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May 7, 2024

District Judge Henry T. Wingate
Thad Cochran United States Courthouse
501 East Court Street, Suite 6.750
Jackson, Mississippi 39201

Re: *United States and State of Mississippi v. City of Jackson, MS*
Case No. 3:12-cv-790-HTW-LGI (Clean Water Act Case)

United States v. City of Jackson, MS
Case No. 3:22-cv-00686-HTW-LGI (Safe Drinking Water Act Case)

Honorable Judge Wingate,

On behalf of the Interim Third Party Manager (“ITPM”), I am writing in response to the United States’ letter, dated April 30, 2024 [Dkt. No. 111], with concerns regarding the implementation of the Court’s SNAP Order [Dkt. No. 107] (“the Order”) by the United States and the State of Mississippi. The Order held that the ITPM’s SNAP Rate Schedule was a “federal assistance program” pursuant to federal law. Accordingly, the Order required the Federal and/or State government to provide the ITPM with limited SNAP information consistent with Congress’s authorization allowing States administering SNAP programs to release SNAP household information to persons directly connected with the administration of other “federal assistance programs.” [See 7 U.S.C. § 2020(e)(8)(a)(i)].

Moreover, the Order explained that the ITPM, as an officer of this Court, adopted heavily discounted rates for SNAP recipients pursuant to the process provided in the federal court orders agreed to by both the United States and the State of Mississippi. [Dkt. No. 107 at 2; see also Water ISO, Dkt. No. 6 and Sewer ISO, Dkt. No. 72.] The Order noted that neither the United States nor the State of Mississippi objected to the ITPM’s adoption of rates reliant on SNAP information at the time of their adoption under the stipulated orders. [Dkt. No. 107 at 3]. The Order also recognized that the ITPM’s heavily discounted rates for SNAP recipients would ensure all City’s residents would have access to affordable and safe drinking water and sewer services as is necessary to resolve the public health emergency. [*Id.*] Therefore, the Court found that the ITPM’s SNAP rate program was a “federal assistance program” and then instructed “the relevant Federal and/or State agencies implementing the SNAP program” to provide the ITPM a list of the names and addresses of recipients of SNAP benefits within the provided zip codes, pursuant to an appropriate confidentiality agreement. [*Id.* at 4].

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In response to the Court's directive "to provide the ITPM a list of the names and addresses of recipients of SNAP benefits within the provided zip codes," the Department of Justice ("DOJ") claims that the United States does not have the list. [Dkt. No. 111 at 1-2]. The United States explains that the United States Department of Agriculture does not *currently possess* the names and addresses of SNAP recipients in the pertinent zip codes. This argument, however, is unavailing.

The Order requires the United States and/or State to provide the information in the same way they would any other "federal assistance program." The United States and/or State of Mississippi have developed a method to efficiently provide the SNAP recipient list to every public and private school in Jackson and the rest of the State. Accordingly, this capability underscores their ability to comply with the Court's Order and provide the requested information to the ITPM for purposes of executing the Court-approved SNAP rate schedule. Who is in actual possession of the list is inconsequential to the implementation of the Court's Order.

DOJ's assertion that the United States lacks authority to require the State of Mississippi to provide the list to the ITPM is unavailing. The Federal and State governments provide the SNAP information to several federal assistance programs, including the local schools in Jackson, Mississippi (and across the country). The Federal and State governments need to similarly coordinate to ensure the ITPM receives a subset of that SNAP information as directed in the Court's Order.

As of this writing, neither the Federal nor State government has contacted the ITPM in furtherance of the Court's Order to provide the limited SNAP information to the ITPM given his SNAP rate's status as a "federal assistance program."

Respectfully submitted,

/s/Malissa Wilson

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